IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 27TH JULY 2007 / 5TH SRAVANA 1929

OP.No. 26165 of 2001(S)

PETITIONER:PETITIONER

C.K.KUNHIKRISHNAN
EXTRA DEPARTMENT DELIVERY AGENT-II(REMOVAL FROM SERVICE)
PADIOTUCHAL, KANNUR DIVISION,
KANNUR 670 307,
RESIDING AT CHERUVITTARAKARA VEETIL, VANGAD,
KANNUR.

BY ADV. SRI.O.V.RADHAKRISHNAN (SR.)

RESPONDENTS:RESPONDENTS
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1. SUB DIVISIONAL INSPECTOR OF POST OFFICES,
PAYYANNUR SUB DIVISION, PAYYANNUR 670 307.

2. SUPERINTENDENT OF POST OFFICES,
KANNUR DIVISION, KANNUR 673 101.

3. POSTMASTER GENERAL,
NORTHERN REGION, CALICUT 673 011.

4. UNION OF INDIA, REPRESENTED BY ITS SECRETARY
MINISTRY OF COMMUNCATIONS, NEW DELHI.

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG
SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.26165/2001

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE OA NO.1421/1998 AONGIWTH ANNEXURES.

EXT.P2: TRUE COPY OF THE REPLY STATEMENT OF the RESPONDENTS IN OA NO.1421/98.

EXT.P3: TRUE COPY OF THE REJOINDER STATEMENT OF THE APPLICANT IN OA NO.1421/98.

EXT.P4: TRUE COPY OF THE ADDITIONAL REPLY STATEMENT OF THE RESPONDENTS IN OA NO.1421/98.

EXT.P5: TRUE COPY OF THE ORDER IN OA NO.1421/98 DT.25.5.2001 ON THE FILE OF THE CAT, ERNAKULAM BENCH.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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O.P. NO. 26165 OF 2001

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Dated this the 27th day of July, 2007

J U D G M E N T

Radhakrishnan, J.

Petitioner while working as EDDA-II absented himself from duty from 1.2.95. Consequently memo dated 8/8/95 was served on him for the following charges.

> "That you said Sri.C.K.Kunhikrishnan, while working as EDDA-II Padiotchal EDSO absented himself from duty from 1.2.95 and thereby violated the provisions contained in Rule 5 of the P&T ED Agents (Conduct & Service) Rules, 1964 and thus failed to maintain absolute integrity and devotion to duty as required under Rule 17 of the P&T ED Agents (Conduct & Service) Rules, 1964."

2. Memo of charges dated 8/8/95 send to the petitioner was returned with the intimation-addressee left abroad. Consequently, formal enquiry was held under Rule 8 of the P&T ED Agents (Conduct and Service) Rules, 1964. The Inquiry Authority submitted his report to SDI(P) holding that the charge was not fully proved beyond doubt. Copy of the inquiry report was sent to the petitioner by SDI(P) intimating his disagreement to the findings of the Inquiry Authority stating his reasons for the

disagreement on 10.9.96, which was received back as undelivered with remarks “addressee left India”. The SDI(P) thereupon issued an order dated 28.6.96 imposing the penalty of removal from service and the copy of the order was sent to the petitioner, which was also received back undelivered with remarks “addressee abroad”.

3. Later the petitioner preferred appeal on 28.6.96 before the Superintendent of Post Offices, Kannur against the order of removal. Appellate authority by its order dated 24.10.97 rejected the appeal upholding the penalty imposed by the SDI(P). Later the matter was taken up before the Tribunal. The Tribunal considered the contentions elaborately and perused the entire records and came to the conclusion that the letters sent by the authorities as well as other communications were properly addressed to the petitioner and the communications were returned either with the endorsement addressee abroad or refused. Petitioner has got a grievance that he had authorised one Sri.Govindan Nair to receive the communications. But the original of authorisation is not available in the file. There is no explanation why he had entrusted or authorised Sri.Govindan Nair to receive the

communications if the petitioner was in India. Even otherwise, letters were properly sent by registered post with acknowledgment due in the address given by the petitioner himself.

In the circumstances, we find no illegality in the order passed by the Tribunal. Original Petition lacks merits. Hence dismissed.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp